

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STARLETTA HARRELL,

Plaintiff,

Case No. 1:12-cv-1392

v.

HON. JANET T. NEFF

TRMI, INC,

Defendant.

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OPINION AND ORDER

Plaintiff Starletta Harrell, proceeding *pro se* and *in forma pauperis*, initiated the present action against Defendant TRMI, Inc., on December 17, 2012 (Dkt 1). On January 10, 2013, the Magistrate Judge filed a Report and Recommendation (R & R), recommending that the action be dismissed upon initial screening on grounds that the complaint fails to state a claim on which relief may be granted (Dkt 5). *See* 28 U.S.C. § 1915(e)(2)(B)(ii). The matter is presently before the Court on Plaintiff's objection to the Report and Recommendation (Dkt 7). In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objection has been made. The Court denies the objection and issues this Opinion and Order.

Plaintiff's objection alleges that she was discriminated against and that the discrimination resulted in her wrongful termination (Dkt 7 at 2). Along with her objection, Plaintiff attached the decision of an administrative law judge, concluding that she was not disqualified for unemployment benefits as a result of a discharge or suspension for misconduct. Neither Plaintiff's objection nor the unemployment benefits decision establishes any error in the Magistrate Judge's Report and

Recommendation. Plaintiff's objection has not alleged any facts that state a claim for discrimination, nor has Plaintiff indicated what, if any, facts in the unemployment benefits decision state a claim for discrimination. Accordingly, the Magistrate Judge properly concluded that "any facts alleged in Plaintiff's complaint, even if accepted as true, fail to state a claim upon which relief may be granted" (R & R, Dkt 5 at 3). Therefore, Plaintiff's objection is denied as without merit.

A Judgment will be entered consistent with this Opinion and Order. *See* FED. R. CIV. P. 58. For the above reasons and because this action was filed *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Judgment would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Accordingly:

IT IS HEREBY ORDERED that Plaintiff's objection (Dkt 7) is DENIED and the Report and Recommendation (Dkt 5) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Complaint (Dkt 1) is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that the Court certifies pursuant to 28 U.S.C § 1915(a)(3) that an appeal of the Judgment would not be taken in good faith.

Dated: April 3, 2013

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge